

**MINUTES OF THE  
STATE WATER DEVELOPMENT COMMISSION**  
Tuesday, May 14, 2013 – 3:11 p.m. – Room 30 House Building

**Members Present:**

Sen. Margaret Dayton, Senate Chair  
Rep. Keith Grover, House Chair  
Sen. David P. Hinkins  
Sen. Scott K. Jenkins  
Sen. Kevin T. Van Tassell  
Rep. Joel K. Briscoe  
Rep. Susan Duckworth  
Rep. Gage Froerer  
Rep. Kay L. McIff  
Rep. Michael E. Noel  
Mr. Tage Flint  
Mr. Jay Mark Humphrey  
Mr. Dallin W. Jensen  
Ms. Voneene Jorgensen  
Mr. Darrell H. Mensel  
Mr. Mike Mower  
Mr. Warren Peterson  
Ms. Amanda Smith

Mr. Mike Styler  
Mr. Ron Thompson

**Members Absent:**

Sen. Gene Davis  
Rep. Melvin R. Brown  
Rep. Don L. Ipson  
Commissioner Leonard M. Blackham  
Mr. Joseph Paulick  
Mr. Gene Shawcroft  
Mr. David Ure  
Mr. Boyd Workman

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Ms. RuthAnne Frost, Associate General Counsel  
Ms. Anna Allen, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Dayton called the meeting to order at 3:11 p.m. Commissioner Blackham, Mr. Paulick, and Mr. Workman were excused from the meeting.

**MOTION:** Rep. Grover moved to approve the minutes of the November 13, 2012, meeting. The motion passed unanimously with Rep. Briscoe and Rep. Noel absent for the vote.

**2. Snake Valley Water Sharing Agreement**

Mr. Peterson distributed background materials on the agreement, including a map of eastern Nevada basins, a handout of relevant quotes, and a letter to Utah's congressional delegation. He discussed the history of the agreement. Mr. Peterson stated that if there is an opportunity to reconsider the agreement, understanding the history of the issue and having a more open dialogue would be beneficial. He also emphasized the importance of the news media having a full understanding and background of the situation.

Mr. Mower discussed why the governor chose not to sign the proposed Snake Valley water sharing agreement. He thanked Mr. Steve Clyde, Mr. Jensen, Mr. Peterson, and Mr. Styler on their work in preparing and analyzing the agreement. Mr. Mower summarized the action taken by the governor, stating that, in the end, the governor decided to not sign it because of local opposition to the agreement.

Mr. Peterson and Mr. Mower responded to questions from the commission.

In response to Rep. Briscoe's question about the next steps for the agreement, Mr. Mower and Mr. Peterson stated that Utah is waiting to hear Nevada's response to the governor's decision on the agreement.

**MOTION:** Sen. Jenkins moved that the commission send a letter to the governor asking him to reconsider his decision on the agreement. The motion passed unanimously with Rep. Briscoe and Rep. Noel absent for the vote. Chair Dayton invited the nonvoting members of the commission to express their opinion about the motion. Mr. Flint, Mr. Humphrey, Mr. Jensen, Ms. Jorgensen, Mr. Peterson, and Mr. Thompson supported the motion. Mr. Mensel did not support the motion, and Mr. Mower, Ms. Smith, and Mr. Styler abstained.

### **3. Review of "Big Ditch" and "Jensen" Cases**

Mr. Clyde discussed the background of the *Jensen v. Jones* and the *Salt Lake City Corporation v. Big Ditch Irrigation Company* cases and how 2013 General Session S.B. 109, "Change Application Procedure," addresses those cases. He also discussed the benefits of restoring the state engineer's role as gatekeeper in reviewing water applications. Mr. Clyde responded to questions from the commission.

Chair Dayton said that the commission will not take action on this agenda item during this meeting, but may in the future.

Mr. Jared Parkinson, water rights attorney, Water Law PC, stated that most of his work is for private water right holders. He commented that the uncertainty in water policy makes it difficult to advise clients regarding water rights and to explain how an administrative process may impact those rights. He expressed his hope that the state can find a resolution that addresses the concerns of large public water suppliers as well as the concerns of smaller private water rights owners.

### **4. Governor Herbert's Water Summit**

Mr. Eric Millis, Deputy Director, Utah Division of Water Resources, gave an update on the governor's water initiative. Mr. Millis described the initiative as a roadmap for making decisions about water in the future. He stated that the initiative will include meetings in July and August with the purpose of listening to the public's opinion on water issues. Mr. Millis listed several topics to be discussed at the meetings, including: competition for water, how to get water to customers, water law, water and the environment, recreation and tourism, the future of agriculture with respect to water, and how the state funds water infrastructure.

### **5. Other Items/Adjourn**

**MOTION:** Rep. Grover moved to adjourn the meeting. The motion passed unanimously with Rep. Noel absent for the vote. Chair Dayton adjourned the meeting at 5:00 p.m.